

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**DAVID STURMS,**

**Plaintiff,**

**v.**

**Civil Action No. 3:06-CV-77  
(Judge Bailey)**

**COMMISSIONER OF SOCIAL  
SECURITY,**

**Defendant.**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of United States Magistrate Judge James E. Seibert [Doc. 27] dated August 20, 2007, to which neither party filed objections. Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, failure to file objections to the magistrate judge's proposed findings and recommendation permits the District Court to review the recommendation under the standards that the District Court believes are appropriate, and under these circumstances, the parties' right to *de novo* review is waived. **See *Webb v. Califano***, 468 F. Supp. 825 (E.D. Cal. 1979).

Accordingly, because no objections have been filed, this report and recommendation ("R & R") will be reviewed for clear error. Upon review of the R & R and the record, it is the opinion of this Court that the Magistrate Judge's Report and Recommendation [Doc. 27] should be, and is, hereby **ORDERED ADOPTED**.

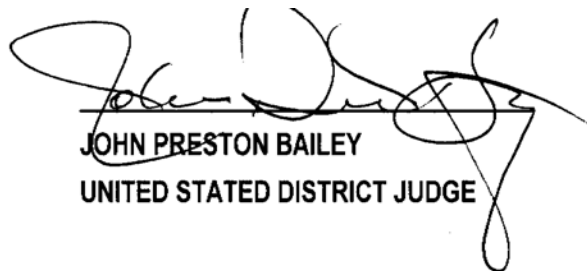
For reasons more fully stated in the Report and Recommendation of United States Magistrate Judge James E. Seibert [Doc. 27], this Court **ORDERS** that the Commissioner's

Motion for Summary Judgment [Doc. 23] be **GRANTED** because the ALJ properly relied on Vocational Expert testimony that the Claimant can perform work existing in significant numbers in the national economy. Additionally, the Claimant's Motion for Summary Judgment [Doc. 21] is **DENIED** for the same reasons set forth in the Magistrate Judge's R & R [Doc. 27]. As a final matter, the plaintiff's Motion to Amend Plaintiff's Brief in Support of Complaint [Doc. 24] is hereby **DENIED**.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to all counsel of record.

**DATED:** September 25, 2007.



JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE